

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 224**

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**Introduced by Senator Chesbro**

February 15, 2005

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An act to amend ~~Section 129875.1~~ *Sections 129875.1 and 129885* of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 224, as amended, Chesbro. Health facilities: construction plans.

The existing Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires design and construction standards for hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster. The act requires the Office of Statewide Health Planning and Development (OSHPD) to approve or reject all plans for the construction or alteration of a hospital building, but authorizes OSHPD to exempt from that review or expedite the review for certain projects. Existing law requires projects for the construction or alteration of hospital buildings and skilled nursing and intermediate care facilities that are single-story, wood-frame or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that specified conditions are met.

This bill would delete the requirement that hospital buildings and skilled nursing and intermediate care facilities be single-story, wood-frame, or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that specified conditions are met, and would instead require that exemption

for all hospital buildings and skilled nursing and intermediate care facilities.

*Existing law authorizes the governing authority of a hospital to request OSHPD to perform plan review and building inspection services for any building where outpatient clinical services of a licensed health facility are provided that is separated from a building in which hospital services are provided. If OSHPD agrees to perform those services, existing law requires OSHPD to charge an amount equal to its standard fee for the construction and alteration of hospital buildings.*

*This bill would instead require OSHPD to perform those services upon that request.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 129875.1 of the Health and Safety Code
- 2 is amended to read:
- 3 129875.1. (a) Notwithstanding Section 129875, projects for
- 4 the construction or alterations of buildings specified in paragraph
- 5 (1) of subdivision (a) of Section 129725 and buildings specified
- 6 in paragraphs (2) and (3) of subdivision (b) of Section 129725
- 7 shall be exempt from plan review and inspection by the office
- 8 prior to construction if the facility demonstrates to the office, by
- 9 written description of the project, that all of the following
- 10 conditions are met:
- 11 (1) The construction or alteration is undertaken to repair
- 12 existing systems or to keep up the course of normal or routine
- 13 maintenance.
- 14 (2) The construction or alteration either restores the facility to
- 15 the same operational status, or improves operational status from
- 16 its operating condition immediately prior to the event,
- 17 occurrence, or condition that necessitated the alteration.
- 18 (3) The scope of the construction or alteration is not ordinarily
- 19 within the standard of practice of a licensed architect or
- 20 registered engineer.
- 21 (4) The construction or alteration does not degrade the status
- 22 or condition of the fire and life safety system from the status of

1 the system immediately prior to the event, occurrence, or  
2 condition that necessitated the alteration.

3 (b) Upon completion of construction or alteration of any  
4 building subject to this section, and prior to use of the repaired  
5 system or other subject of the construction or alteration, the  
6 office shall inspect and approve the work. The office may require  
7 an interim inspection for code compliance when walls, ceilings,  
8 or other materials or finishes will cover the final work.

9 (c) Upon compliance with subdivision (a), the office shall  
10 issue a building permit.

11 *SEC. 2. Section 129885 of the Health and Safety Code is*  
12 *amended to read:*

13 129885. (a) A city or county, as applicable, shall have plan  
14 review and building inspection responsibilities for the  
15 construction or alteration of buildings described in paragraph (1)  
16 of subdivision (b) of Section 129725. The building standards for  
17 the construction or alteration of buildings specified in paragraph  
18 (1) of subdivision (b) of Section 129725 established or applied  
19 by a city or county, shall not be more restrictive or  
20 comprehensive than comparable building standards established,  
21 or otherwise applied, to clinics licensed pursuant to Chapter 1  
22 (commencing with Section 1200) of Division 2. For chronic  
23 dialysis and surgical services buildings, construction or alteration  
24 shall include conversion of a building to a purpose specified in  
25 paragraph (1) of subdivision (b) of Section 129725.

26 (b) Upon the initial submittal to a city or county by the  
27 governing authority or owner of a hospital for plan review and  
28 building inspection services for buildings described in paragraph  
29 (1) of subdivision (b) of Section 129725 for chronic dialysis and  
30 surgical services, the city or county shall reply in writing to the  
31 hospital as to whether or not the plan review by the city or county  
32 will include a certification as to whether or not the clinic project  
33 submitted for plan review meets the clinic standards propounded  
34 by the office in the California Building Standards Code.

35 If the city or county indicates that its review will include this  
36 certification, it shall do all of the following:

37 (1) Apply the applicable clinic provisions of the latest edition  
38 of the California Building Standards Code.

1 (2) Certify in writing to the applicant within 30 days of  
2 completion of construction whether or not the standards have  
3 been met.

4 (c) If, upon initial submittal, the city or county indicates that  
5 its plan review will not include this certification, the governing  
6 authority or owner shall submit the plans to the Office of  
7 Statewide Health Planning and Development and the office shall  
8 review the plans for certification to determine whether or not the  
9 clinic project meets the standards propounded by the office in the  
10 California Building Standards Code.

11 (d) When the office performs the certification review, the  
12 office shall charge a fee in an amount not to exceed its actual  
13 cost.

14 (e) Notwithstanding subdivision (a), the governing authority of  
15 a hospital may request the Office of Statewide Health Planning  
16 and Development to perform plan review and building inspection  
17 services for buildings described in paragraph (1) of subdivision  
18 (b) of Section 129725. ~~If the office agrees to and Section 129730.~~  
19 *The office shall perform these services, the office upon request*  
20 *and shall charge an amount equal to its standard fee for the*  
21 *construction and alteration of hospital buildings. The*  
22 *construction or alteration of these buildings shall conform to the*  
23 *applicable provisions of the latest edition of the California*  
24 *Building Standards Code for purposes of the plan review and*  
25 *building inspection of the office pursuant to this subdivision. The*  
26 *office shall issue the building permit and certificate of occupancy*  
27 *for these facilities.*

28 (f) A building described in paragraph (1) of subdivision (b) of  
29 Section 129725 that is subject to the plan review and building  
30 inspection of the office pursuant to subdivision (e), may be  
31 designated by the governing authority or owner of the hospital as  
32 a “hospital building” as long as the building remains under the  
33 jurisdiction of the office. This hospital building shall be reviewed  
34 and inspected according to the standards and requirements of the  
35 Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983  
36 (Chapter 1 (commencing with Section 129675)).

37 (g) When a building is accepted for review by the office  
38 pursuant to subdivision (e), the governing authority of the  
39 hospital shall not request the city or county, as applicable, to  
40 conduct plan review and building inspection for any subsequent

- 1 alteration of the same building, unless written notification is
- 2 submitted to the office by the governing authority or owner of the
- 3 hospital.

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